App F IX 4

1954-55
(CM)

File No 107-54-
Serial Nos 1, 2

Previous References
CM 5-52-2
CM 1-52-40 41
CH 46-54-6, 7, 8,

Later References
Edn Dep 2174/54
LLH 15 BAB 57

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

P-18
E

Part B for January 1955

SUBJECT

Grant of Periodical increments to Local candidates by the corporation of the city of Bangalore

To,

The Commissioner
Corporation of the city of Bangalore
L 17374/Dated 5/55
Rejects the Proposal

Jn Ramachandra
6/1/55

Serial No

To

The Commissioner C&R

Letter no B 12 PR 213/54 dated 30-10-54 Requests Sanction to the grant of Periodical increments to Local Candidates in the Corporation

Submitted

The Proposal is to grant Periodical increments to the Local Candidates appointed in the Bangalore Corporation.

2 The Local Candidates appointed ~~without~~ directly are not entitled to Periodical increments But the Position is different in Bangalore Corporation There is Statutory Power Conferred upon the Commissioner C&R and the Corporation to make Certain appointments by themselves without observing C R & Rules Section 89 ~~empowers~~ the Corporation Act empowers the Commissioner and the Corporation to make Certain appointments Section 90 empowers the Corporation to fix and Vary the Scale of Pay & allowance of the Corporation Staff

3 In View of the above Statutory Provision the Corporation is claiming the right to make Certain appointments

NOTE—Contn Sheet

Grant of Periodical increments to Local Candidates in Corporation

File No 5219/mk (2) of 195

Mysore Government Secretariat

Serial No

to the Corporation irrespective of the C.R.P. Rules. This question is contingency
in dispute as to whether the Corporation can make appointments without the C.R.P. Rules. A Bill has been proposed to amend the Section 89 of the Corporation Act, 1949, so as to extend the jurisdiction of P.S.C. over the Corporation Establishment in respect of recruitment. The rules of recruitment framed by the Corporation have not been approved by Government till now. The proposed amendment to the Act

(4) Pending amendment to the Act the appointments made by the Corporation so far ~~cannot~~ have to be regularised. Similar concessions have been shown in cases of non-C.R.P. teachers of Corporation Schools in G.O. No. L 6867-70 CM 7-52-74 dated 4-9-63. The decision arrived in the Collector holds good to the question under consideration till the Act is amendment amended, it may not be possible to prevent the Corporation from making appointments. The persons appointed

Collector's report

Periodical increments to the Local Candidates of Corporation (3)

General and Revenue Secretariat | File No 5219/1994 5955 | [App F III-2

Serial No

may have to be given the increments due for orders in connection with the PSC ~~need be~~ 5) The question whether the PSC Rules 16/11/11 5.00 12/11 has been examined in detail by the Law Secy in the file pertaining to the Sanction of establishment of the Corpn There was difference of opinion between the Law Secy and Financial Secy, on the one hand and between the Law Secy and Administrative Secy on the other Then the opinion of the Law Secy had to be upheld Therefore Pl ~~note above~~ below the opinion of the Law Secy (Better the opinion is typed)

Pl refer para dated 1/11/94 in the Teachers of Corporation High Schools addressed Shri by Secy

b) Orders from Secy "A/S of this case Pertaining with us I speak" (sd) G V K 19/1/94

Extracts of paras from Collection C M.5-52-2 (52-53) on the subject Allocation of Sri D Krishnaswamy and Sri M Ramiah of the Bangalore Corporation -

Pl refer Paras 71+72 of CM 5-52-2 & Para 47+48 of CM 1-52-41 "24"

7

"71 Sec 47 of the Corporation Act applies in my opinion to all resolutions - sub sec(1) requires the Mayor to submit to Govt copies of all resolutions Sub-sec (2) gives power to Govt to cancel any resolution in whole or in part but significantly it does not empower Govt to modify a resolution as in the case of a byelaw The proviso prescribes the procedure before any action is taken under this subsection If Govt take no action under sec 47(2) then Sec 24 lays an obligation on the Standing Committees and the Commr to

NOTE—Contn Sheet

Increments to the Local Candidates of Capmakers (4)

File No 5417/Genl of 194

General and Revenue Secretariat

Serial No

give effect to every resolution of the Corporation There is no reference in either Sec 24 or 47 to any sanction by Govt of the resolution of the Corporation, as a condition precedent to its being given effect to

72) The question of sanction arises only in respect of acts or powers which a Corporation cannot do or exercise except with the sanction of Govt under the ~~the~~ Act For instance under Sec 73(6) no property can be granted by a Corporation, free of cost except with the previous sanction of Govt In such a case no resolution should be passed by the Corporation making such a grant except after obtaining the sanction of Govt If a resolution is however passed without such sanction and it is sent to Govt <u>for sanction</u>, the resolution is in law only a proposal and not a 'resolution' which can be given effect to under sec 24 by the Commr It is only after sanction of Govt & subject to it that it becomes an executable resolution. In granting or withholding sanction of such a proposal though put in the form of a Resolution, Govt is not bound to follow the procedure under Sec 47(2) Applying the above principles to the present case in this file, the main point that arises is if the allocations recommended are within the powers of the Corporation absolutely or subject only to sanction by Govt - As a matter of fact, the Commr's letter forwarded by the Mayor asks for sanction of Govt , thereby admitting that such sanction is required But so far as the provisions of the Corporation Act are concerned, I see

Increments to the Local Candidate of Corporation

General and Revenue Secretariat | File No 5219/52-54 5955-(5) | [App I III-2

Serial No	
	no provision requiring such sanction in such cases - Secs 84 to 88 evidently do not apply to appointments except if they be as Heads of departments under the Commr - Even here it is only to fix the salary and allowances of the appointment that sanction of Govt is necessary - As far secs 89, 90 & 94, I am inclined to agree with the views expressed in paras 66 to 68 above Secy L S G (Id) N R J 9/3 xx xx xx Extracts of paras from file bearing Diary No 399/M1 (Collection 1-52-40-41 of 52-53 C M) on the subject Allocation Statement of the Bangalore Corporation Establishment xx xx xx
9	"47 I agree I have discussed this matter in the linked file D No 6253/M1 in my note dated 9-3-52 and I see nothing more to add What is however interesting and curious is that though the Corporation has in law absolute powers in this matter, subject only to control that can be exercised under secs 43 to 47 only, the Mayor's letter wants sanction of Govt to the Allocation Statement - Perhaps the Accounts Department does not recognise the sanction given by the Corporation unless it is also sanctioned by Govt
10	48 I do not see under what provision of law, the Accounts Deptt insists on this Fin Secy (Id) N R J 29/8 Subs - Refer para 5 supra 27/11 29/11

NOTE—Contn Sheet

(6)

File No of 194

General and Revenue Secretariat

Serial No

11) In the file placed below, the Law Secretary has agreed that the Corporation has got powers under Section 90 of the Corporation Act to revise the grades, pay etc , of the Corporation Schedule of Establishment Sanction of Government is not necessary for such revision of scales of pay or grade In case a new office is to be created, then sanction of Government is necessary, if the maximum monthly salary exceeds Rs 100/- In this case, the officials are local candidates, they have not been recruited through the Public Service Commission The Corporation Act provides that the appointments to the Corporation establishment shall be made by the Corporation if the maximum monthly salary of the officials exceeds Rs 100/- and by the Commissioner in all other cases These are absolute powers and the Corporation is not following the Public Service Commission rules so far as recruitment of candidates is concerned Whether this procedure of the Corporation was correct or not in view of the Public Service Commission Rules and Regulations being in force in Mysore State was examined by the Law Secretary in the Magimianathan case and the Law Secretary stated that Public Service Commission rules ~~should~~ shall apply even to Corporation

12) Detailed reply was sent by the Commissioner Corporation of the City of Bangalore, challenging this opinion and the matter was again referred to the Law Secretary and this file is said to be before the

Grant of periodical increments to local Candidates

General and Revenue Secretariat | File No 52/19 of 194 | [App I III-2

Serial No

Advocate General Therefore, until the Magimanathan case is disposed of it will be difficult for Government to give any ruling on the point involved in the matter of grant of increments to local candidates However it is to be stated that the Corporation Act provides for the payment of increments without getting sanction of Government The Chief Secretary may kindly be consulted in the matter of grant of Periodical increments to local candidates

Secretary, L S G & Plg I

30/11

13) There are contradictory legal opinions about the powers of appointment vested in the Corporation I personally feel that the Act would have to be amended to definitely say that appointment in the Corporation would have to be made on the basis of lists sent by the PSC This would take considerable time Appointment have been made by the Corporation and it would not be correct to put the persons appointed to trouble The Proposal of the Commissioner in his letter of 30th Oct 54 to grant the periodical increments may be approved

GVKRao

1/12

Mr Lilly
Hon Ch Secy

SECRETARY * 2 DEC 1954 * 11319 GOVT OF MYSORE

NOTE—Contn. Sheet.

Grant of Periodical increments to local Candidates

(8)

File No 57 55/mc 6613 6343 of 194

General and Revenue Secretariat

Serial No

14) I am of the view that pending a decision on the legal points involved about the powers of the corporation to make appointments without reference to rules of recruitment, Govt need not approve the actions taken by the corporations. Local candidates according to existing orders are not entitled to increments.

24/12

2/12

3/12

15) I agree with the Chief Secy.

19/12/54

20/12

20/12

16) Draft letter is for approval

24/12 Sd 22/12

17) What are the orders of the Chief Secy what is to be done is that is written in the letter

21/12

18) Revised draft is for approval

24/12 Sd 28/12

19) Issue

3/1/55

OFFICE THEATRE FOR PUBLICITY & TOURIST DEPARTMENT
GOVERNMENT
6-12-54
No 4025

Grant of proposal increments to Local Candidates of Caribbean

General and Revenue Secretariat | File No 6613/mol 194 (9) | [App F III-2

Serial No

The Commissioner cel
L 12374/cy 60-52 dt 5-1-55
Voters list proposal

C/y Nil Bridges cel
L. 12375 dt 5-1-55

Pb
5/1/53

NOTE—Contn Sheet

File No of 194

General and Revenue Secretariat

Serial No	

(1)

CORPORATION OF THE CITY OF BANGALORE.

No B.12 Pr 213/54
Enc one

CORPORATION OFFICES,
BANGALORE, 2 Nr 1954

Dated 30th October 1954.

MYSORE GOVERNMENT SECRETARIAT
5419
2 - NOV 1954
MUNICIPAL BRANCH

GOVERNMENT
DEPARTMENT

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

To

The Secretary to Government of Mysore,
L S.G and Planning Departments,
Bangalore

SIR,

C.M 104-54-1

Subject Re Grant of periodical increments to local candidates

I write to state that officials including teachers entertained by the Corporation under the provisions of the Corporation Act, were urging for the grant of periodical increments since they had finished their probationary period and had put in a service of 2 to 3 years in some cases The tenure of these officials were changed to "officiating" to enable them to draw increments But the Auditor has raised objection that the service rendered by the local candidates cannot be counted as approved service for the purpose of granting increments and that the increments drawn is not in order, to those teachers appointed after 1-6-1950 - vide copy of objection enclosed

Bill for ... C.R.B. ... yet ... letter ...

In this connection, it may be stated that Corporation have been making appointments under the statutory powers vested in them under the provisions of the Corporation Act The recruitment rules framed and approved by the Corporation have been sent to Government for sanction and orders thereon are awaited

The several officials including teachers entertained on non-C R B basis in the Corporation, who have put in 2 or 3 years service have been urging for the grant of increments accrued to them

p.t.o.

(9)

Contd.

I therefore request you to kindly permit me to draw and disburse the increments due to them, pending settlement of the question of power of appointing the subordinate staff by the Corporation under the statutory rules framed by them A copy of Auditor's objection accompany for kind reference

Forwarded with compliments

Seetharam
H S Seetharam,)
MAYOR

Yours faithfully,

30/10
(K Nenjerappa,)
COMMISSIONER

TNL/-
30/10/54

(3)

Copy of letter No 630/C A dated 16-10-1954 from the Auditor, Corporation of Bangalore, to the Commissioner, Corporation of Bangalore

---

Subject Increments sanctioned to the teachers of several Corporation Schools appointed subsequent to 1-6-1950 without reference to rules of recruitment

---

In inviting your kind reference to Government Order No 6367-70/C M 1-52-74 dated 28-8-1954 I write to state that increments to teachers appointed as local candidates subsequent to 1-6-1950 are being sanctioned in contravention of the directions of Government in their order noted above It is definitely stated in the said Government Order that the concessions regarding the increments, confirmations etc , will not be applicable to those appointed after 1-6-1950 A few of the instances wherein the increments have been sanctioned by you to teachers appointed as local candidates after 1-6-1950 are noted below for your reference I very much desire to impress that such irregular sanctioning of increments may kindly be avoided and the increments already sanctioned have to be cancelled

I request you also kindly to intimate the action taken on para 5 of the said Government Order regarding the registration, classification of vacancies that have occurred after 1-6-1950 for the information of audit

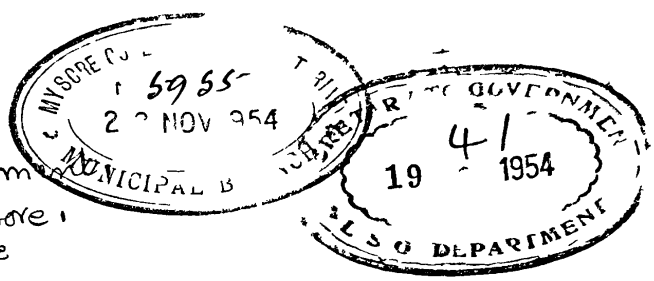
1	Miss Sulochana	- Primary School, Tasker Town
2	Sm S Radha	-do-
3	" V S Rajamma	- High School, Gandhinagar
4	" S R Savitramma	-do-

"Copy"

For Commissioner

TNL/-

(4)



To,

The Secretary,
Local Self Government
Govt of Mysore,
Bangalore

Dear Sir,

We the undersigned teachers of Corporation High School, Tasker Town, Bangalore, submit the following petition to your favourable consideration and expedite action.

We were appointed by the Corporation from time to time since 1951. All of us have completed our first year of service. Many of us have completed second and third year of service, in the institution. Hitherto all were treated as local candidates. In the month of July 1954 the commissioner sent a memo notifying thereing that the Appointment of some of the teachers are to be treated as officiating. The increment of the officiating teachers were sanctioned by the Corporation. But the auditor rejected the increment bills of the officiating teachers asking the Corporation and the Government to clarify the authourity of the Corporation in the Appointment of local candidates.

This is not our first, second or third approach. We have approached the present and the former Commissioners and Mayors, Councillorson many occasions before. Our appeals are unheeded. Our positions have become highly insecure, precarious and miserable. Regularisation and Confermations of our Appointment and sanction of our legitimate and hardearned increments would have gone a long way in securing our position and redressing our grievences. We are a small batch of poor teachers devoted to the lofty task of moulding the mind, body and character of the youngsters of our nation. We deserve every encouragement of the Corporation and the Governmnet. The Confermation and assuage of the lot of the teachers will mean the progress of the nation. We send you this petition with

PTO

the rising hope that our grievances would not go unheeded this time also.

Yours faithfully,

Ramamugam
Narasimhan
H Rajkumar
[illegible]
[illegible]
S Venugopala gupta
S Sreenivasa Moorthy
K Narayana swamy
K V Padmanabhachar

C H S No 408/1255

Recommended and Submitted
for favourable Consideration

C J Cyprian
Admaster.

To,
The Ministers for Health & Local Self Govt
Govt of Mysore, Bangalore.

(b) 634-B

2-11-1954

Dear Sir,

2165

We the undersigned teachers of Corporation High School, Tasker Town, Bangalore, submit the following petition to your favourable consideration and expeditious action.

We were appointed by the Corporation from time to time since 1951. All of us have completed our first year of service. Many of us have completed second and third year of our service, in the institution. Hitherto all were treated as local candidates. In the month of July 1954 the commissioner sent a memo notifying therein that the appointment of some of the teachers are to be treated as afficiating. The increment of the officiating teachers were sanctioned by the Corporation. But the auditor rejected the increment bills of the officiating teachers asking the Corporation and the Governmnet to clarify te authority of the Corporation in the appointment of local candidates.

LSG Secy for a note
JR 18/11/54
Sims 3/12

This is not our first, second of third approach. We have approached the present and the former Commissioner and Mayors, Councillors on many occasions before. Our appeals are unheeded. Our positions have become highly insecure precarious and miserable. Regularisation and Confirmations of our appointment and sanction ofour legitimate and hardearned increments would have gone a long way in securing our position and redressing our grievences. We are a small batch of poor teachers devoted to the lofty task of moulding the mind, body and character of the youngsters of our nation. We deserve every encouragement of the Corporation and the Governmnet. The Confirmation and assuage of the lot of the teachers will mean the progress of the nation. We send you this petition with the rising hope that our grievances would not be unheeded this time also.

Yours faithfully,
Marabant Gidah DTO

Bangalore
11-11-54

Varumugam

Y Sundaram

H Rajasekhar

S Sreenivasa Murthy

K Narayana Swamy

K V Padmanabhachari

S Venugopala Gupta

4 CPM

7

Appendix F G—1]

SUBJECT Grant of Periodical increments to Local Candidates employed in Bangalore City Corporation

Section Coy

File No 107-54

Serial No 2

Diary No of letter replied to 6613

No L 12374/5-12-55

General and Revenue Secretariat

( )

the *19*

To The Commissioner CCB

Attn to the Mayor

Sir

Date of issue

Signed by

With reference to your letter no B.12 PR 213/54 dated 30-10-54 on the above subject requesting sanction to the grant of Periodical increments to the Local Candidates employed in the Corporation, I am directed to state that a pending decision on the legal points involved about the powers of the Corporation to make appointments

List of enclosures

Copied by

Examined by

WD 06818—GPB—25 000—9 7 49

(8)

with-out reference to the rule of ~~the~~ recruitment, the action taken by the Corporation cannot be approved. Local Candidate according to cashing ~~Rule~~ orders are not entitled to increments

I am directed to state that the Local Candidates according to cashing orders are not entitled to increments

Yours

31

for Secretary

Exp 1785

L 12325

5-12-55

5-1-55

City Dist Auditor Calcutta

for information

for Secretary

C.E.

4/1/55

GOVERNMENT OF MYSORE (9)

No L.12334/CM107-54-2

Mysore Government
~~General and Revenue~~ Secretariat,
Bangalore, dated 5th Jany. 195 5

From

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
Education & LOCAL SELF GOVERNMENT DEPARTMENTS

To

The Commissioner,
Corporation of the City of Bangalore,
(through the Mayor)

SIR

Subject.- Grant of Periodical Increments to Local Candidates employed in the Bangalore City Corporation.

With reference to your letter No.P.12.P.P.213/54 dated 30-10-1954 on the above subject, I am directed to state that pending a decision on the legal points involved about the power of the Corporation to make appointments without reference to the rules of recruitment, the action taken by the Corporation cannot be approved. Local candidates according to existing orders, are not entitled to increments.

Yours faithfully,

(Sd.)
(V. Hanumanthappa)
for Secretary to Government,
Education & L.S.G. Departments.

Memo No.L /2335/5-1-55

Copy of the above is forwarded to the Auditor, Corporation of the City of Bangalore, for information

(V.Hanumanthappa)
for Secretary to Government,
Education & L.S.G. Departments.

LFS.4.4/1.

N-9
C-9